

REMARKS/ARGUMENTS

Claims 6, 17-41, 47-49 and 53-60 are pending in the above application.

The Office Action dated April 14, 2010, has been received and carefully reviewed. In that Office Action, claims 6 and 22 were allowed, claim 21 was objected to, and claims 17-20, 23-41, 47-49 and 53-60 were rejected under 35 U.S.C. 103(a) as being anticipated by Petty. These issues are addressed below, and reconsideration and allowance of claims 17-21, 23-39 and 53-60 is respectfully requested in view of the following remarks.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Petty. Claim 17 recites a network device adapted to receive an incoming call, the network device comprising a call processing function. The call processing function is adapted to, if the incoming call received at the network device was intended for the network device, enable a user to answer the incoming call at the network device. The network device also includes a call forwarding function adapted to, if the incoming call received at the network device was intended for an other network device, look-up a call forwarding destination on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination.

Petty discloses a terminal for use by a customer service agent that includes a screen showing an incoming call and that includes a transfer button 90 to allow an agent to transfer the call if desired. The Office Action indicates that display screen 78 in Figure 5 of Petty represents the "network device" of claim 1. The Office Action indicates

that calls received at the network device are intended for the network device. The Office Action also indicates that if the agent at network device 78 decides to transfer a call using transfer button 90, those transferred calls must have been intended for some other network device. It is respectfully submitted that Petty does not support this interpretation. A person pressing a “call up” button on a web site as illustrated in Figures 3a and 3b of Petty, intends to reach a customer service representative. The fact that that customer service representative may, during the course of a conversation, decide to transfer the call does not mean that the call was “intended” for a different network device - it is merely a transferred call. Petty does not show different treatment of calls intended for a network device and calls intended for an other network device, and claim 17 is submitted to be allowable over Petty for this reason.

If the rejection of claim 17 based on Petty is maintained, it is respectfully requested that the examiner explain for the record how the original caller in Petty “intended” a call to an other network device, such as a workstation of agent B, C or D, when the caller presumably does not know of the existence of any specific agent when pressing the “call us” button on a computer. The fact that a first agent makes a determination to transfer a call does not constitute an intention on the part of the caller to reach a different agent.

Claim 17 further recites that the call forwarding function looks up a call forwarding destination on behalf of the other network device. This language does not indicate that the call is forwarded to the other network device but rather that the network device looks up a forwarding destination for the benefit of / on behalf of the other network device - in other words, the first network device determines where the other

network device is having calls forwarded. For example, with reference to the paragraph beginning at page 34, line 9, the network device might be acting as a backup network device for the other network device. The network device thus must determine whether the incoming call is intended for the network device or the other network device. If it is intended for the other network device, the network device must determine whether the other network device has call forwarding enabled and if so, the network device will determine where calls intended for the other network device are to be forwarded. This is not shown or suggested by Petty. At most, Petty allows calls intended for the network device of Figure 5 to be forwarded. There is no indication that the network device looks up call forwarding destinations on behalf of the workstation of agent B, C or D, for example - all that the network device of Figure 5 can do is transfer calls.

For the same reasons, Petty does not show or suggest "initiating a connection with a network device having the call forwarding destination." With reference to Petty, if agent B's network device happens to be forwarding calls to agent C's network device, all the first agent can do is transfer calls to agent B's network device and, if appropriate, agent B will forward those to Agent C's network device. The first agent does not look up a call forwarding destination on behalf of Agent B's network device and then communicate with agent C as would be required under the language of claim 17.

For the foregoing reasons, claim 17 is submitted to be allowable over Petty.

Claims 18-21, 23 and 24 depend from claim 17 and are submitted to be allowable for at least the same reasons as claim 17.

Claim 25 is rejected under 35 U.S.C. 102(b) as being anticipated by Petty. Claim 25 recites a network device that is a VoIP telephone that includes a call forwarding

function adapted to, if the incoming call received at the network device was intended for another network device, look-up a call forwarding destination on behalf of the other network device, and initiate a connection with a network device having the call forwarding destination. As discussed above in connection with claim 17, Petty does not show a network device that receives 1) calls intended for that network device and 2) calls intended for an other network device. Petty also does not show looking up call forwarding destinations on behalf of the other network device or initiating a call with a network device having the call forwarding destination. Claim 25 is submitted to be allowable over Petty for at least this reason.

Claim 26 recites a network device adapted to participate in call forwarding that includes a call forwarding function. For a call initiated with a first other network device, if the first other network device cannot be reached, the call forwarding function is adapted to: i) look-up a destination address for a second other network device; ii) initiate another call to the second other network device; and iii) responsive to receiving a first message from the second other network device containing a call forwarding destination, respond with a second message to a network device having the call forwarding destination for setting up another call, the call forwarding destination being obtained by the second other network device on behalf of the first network device.

The Office Action asserts that various combinations of calls placed to a network device in Petty and subsequently forwarded to other network devices in Petty satisfy the limitations of this claim. However, at least the limitation “the call forwarding destination being obtained by the second other network device on behalf of the first network device” is not satisfied by Petty for the reasons provided above in connection with claim 17.

The Office Action presents a hypothetical series of calls and forwarded calls occurring in Petty. These calls do not satisfy the limitations of claim 26. It is not clear, for example, how calling the network device of agent A is going to “conference in” a call between some agents E and F. And as noted above, no network device obtains call forwarding information on behalf of a first other network device, the network device of agent D in the hypothetical example in the Office Action. At least this limitation is not satisfied, and claim 26 is submitted to be allowable over the art of record for this reason.

If the rejection of claim 26 is not withdrawn, it is respectfully requested that the examiner explain how any network device in Petty is obtaining call forwarding information on behalf of another network device so that the basis for this rejection can be better understood.

Claim 27 depends from claim 26 and is submitted to be allowable for at least the same reasons as claim 26.

Claim 28 recites a network device adapted to participate in forwarding of a call from the network device to a first other network device, the network device comprising a call forwarding function adapted to, responsive to receiving a first message from a second other network device for replacing the call with another call with the second network device, establishing a media path with the second other network device.

At least the limitation “responsive to receiving a first message from a second other network device for replacing the call with another call with the second network device, establishing a media path with the second other network device” is not satisfied by Petty. Petty does not show any network device replacing one call with another call based receiving a first message from a second other network device. Claim 28 is

submitted to be allowable over Petty for at least this reason.

If the rejection of claim 28 is maintained, it is respectfully requested that the examiner address the limitations of independent claim 28 separately from the limitations of independent claim 26 and identify what network device in Petty corresponds to 1) the claimed network device, 2) first other network device and 3) the second other network device. It is also requested that the examiner identify the “message” that the first other network device sends to the network device so that the basis for this rejection can be better understood.

Claim 29 depends from claim 28 and is submitted to be allowable for at least the same reasons as claim 28.

Applicant argued that the limitations of independent claims 30 and 31 were not addressed in the previous Office Action. The present Office Action indicates that these two independent claims are rejected for the same reasons as independent claim 26, but the limitations of claims 30 and 31 still have not been addressed. It is respectfully submitted that Petty does not show a network device, first other network device or second other network device as recited in these claims. Claims 30 and 31 are submitted to be allowable over Petty for at least this reason. If the rejections of these claims are not withdrawn, it is respectfully requested that the examiner identify the elements of Petty that are believed to correspond to each limitation of these claims so that the basis for rejection the claims can be better understood.

Claims 32-39 depend from claim 31 and are submitted to be allowable for at least the same reasons as claim 31.

Claim 53 recites an article of manufacture comprising a computer usable medium

including computer readable program code means for performing a method related to the method of claim 17. Claim 53 is submitted to be allowable for at least the reasons provided in connection with claim 17.

Claims 54-59 depend from claim 53 and are submitted to be allowable for at least the same reasons as claim 53.

Claim 60 recites a method in a network device that comprises: responsive to receiving an incoming call from a first other network device, if the incoming call was intended for an other network device, looking-up a call forwarding destination on behalf of the other network device, and responding to the incoming call with the call forwarding destination, where responding to the incoming call with the call forwarding destination comprises sending a message to the first other network device identifying the call forwarding destination. As discussed above in connection with claim 17, Petty does not show at least an incoming call that was intended for another network device or looking up a call forwarding destination on behalf of another network device. Claim 60 is submitted to be allowable for at least the same reasons as claim 17.

CONCLUSION

It is believed that claims 6, 17-41, 47-49 and 53-60 are in condition for allowance, wherefore, the allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact Scott Wakeman (Reg. No. 37,750) at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

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